

UNITED STATES DISTRICT COURT  
For the  
District of Hawaii

GRIFFIN CALVIN, CHRISTOPHER

Plaintiff

STATE OF HAWAII

STATE OF HAWAII OFFICE OF ELECTIONS

Defendant(s)

-V-

DIVISION

CaseNo.

**CV20 00454 KJM**

JURY TRIAL ☒ YES ☐ NO

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

**OCT 21 2020** *mi*

at 4 o'clock and 23 min. *p* M  
MICHELLE RYNNE, CLERK

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

STATEMENT OF THE CASE:

Plaintiff has been discriminated against by the State of Hawaii evoking HRS §12-41(b) that conflicts with and is in violation of the U.S. 14<sup>th</sup> Amendment 14.S1.4.3.3.1.2 Partisan Gerrymandering. Plaintiff attained the Highest non partisan vote count of 2324 votes in the 2020 contest for the State of Hawaii U.S. Representative, District 1.. These results were "FINAL SUMMARY REPORT", AUGUST 20, 2020 @ 9:53 am HST.

State of Hawaii Office of Elections did not include Plaintiffs Name Calvin Christopher Griffin on the General Election Ballot. Office of Elections based their decision to eliminate Mr. Griffin, who is the successful, Non partisan Candidate in the 2020 Primary Election. Non partisan candidates were listed the same as all of the other party candidates on the ballot for the Primary contest. Primary ballot was not arranged in alphabetical order and (non partisan ballot) was in the center.

Office of Elections has interpreted that Plaintiff is not entitled Plaintiffs name to appear on the General Election ballot. HRS§12-41(b) is Partisan Gerrymandering, and discriminates against nonpartisan candidates and thereby is infringing upon my constitutional rights as a citizen by imposing anticompetitive restrictions on the political process denying voters the right to make free choices and to associate politically through the vote. The arrangement and appearance on Primary Ballot is misleading and deceptive. Discrimination is clearly demonstrated by the outcome of the Primary Election where even though none of the other "third parties" nominated a candidate for the 1st Congressional District and I was

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## UNITED STATES DISTRICT COURT

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declared the winner in that class with a reasonable number of votes I was denied participation in the General Election. The two political parties acting under color of state authority enacted this self-interested legislation that some may argue constitutes antidemocratic collusion and definitely discriminatory in addressing non partisan candidates as myself.

### **Amdt14.S1.4** EQUAL PROTECTION RIGHTS

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

### **Amdt14.S1.4.3.3.1.2** PARTISAN GERRYMANDERING.

ger-ry-man-der /ˈjerē,mandər/verb ,gerund or present participle: gerrymandering

1. manipulate the boundaries of (an electoral constituency) so as to favor one party or class.
  - o achieve (a result) by manipulating the boundaries of an electoral constituency.
  - o "a total freedom to gerrymander the results they want"

**HRSS 12-41(b)** Any nonpartisan candidate receiving at least ten per cent of the total votes cast for the office for which the person is a candidate at the primary or special primary, or a vote equal to the lowest vote received by the partisan candidate who was nominated in the primary or special primary, shall also be a candidate at the following election; provided that when more nonpartisan candidates qualify for nomination than there are offices to be voted for at the general or special general election, there shall be certified as candidates for the following election those receiving the highest number of votes, but not more candidates than are to be elected. [L 1970, c 26, pt of §2; am L 1973, c 217, §2(j); am L 1979, c 139, §10; am L 1983, c 34, §21]



UNITED STATES DISTRICT COURT

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Fourteenth Amendment (14), Section 1: Equal Protection Clause of the Federal Constitution

Relief

1. Plaintiff's Name to be Recognized and placed on the 2020 General Election ballot as a candidate for the Representative of 1st Congressional District, State of Hawaii.
2. Plaintiff served honorably in the United States Army for the more than 24 years, active and reserves. Plaintiff served was in the defense of the principles of Freedom and Democracy here at home and in other countries. It is deeply and profoundly troubling to realize that after the millions of men and women have served and died supposedly defending our freedoms only to come to the stark realization is that the election process is being undermined by political entities motivated and enacting laws with self serving interests that undermine the very freedoms that Plaintiff has sworn to protect. Because of the extreme mental, emotional distress and for all who share the sense of betrayal of our democratic system Plaintiff seeks Fifty Millions (50) dollars in Compensatory and Punitive damages.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	CALVIN C GRIFFIN		
Address	1154 Fort Street Mall Suite 410		
	Honolulu	HAWAII	96813
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Honolulu		
Telephone Number	(808) 545-1391		
E-Mail Address	calvingriffin@rocketmail.com		

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

## Defendant No. 1

Name	STATE OF HAWAII		
Job or Title <i>(if known)</i>			
Address			
		HAWAII	
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County			
Telephone Number			
E-Mail Address <i>(if known)</i>			
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

## Defendant No. 2

Name	STATE OF HAWAII OFFICE OF ELECTIONS		
Job or Title <i>(if known)</i>			
Address			
		HAWAII	
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County			
Telephone Number			
E-Mail Address <i>(if known)</i>			
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

## Defendant No. 3

Name

Job or Title (if known)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (if known)

☐

Individual capacity

☐

Official capacity

## Defendant No. 4

Name

Job or Title (if known)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (if known)

☐

Individual capacity

☐

Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Amdt 14.S1.4 EQUAL PROTECTION Amdt 14S1.4.3.3.1.2 PARTISAN GERRYMANDERING

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Plaintiff won the nonpartisan primary, name does not appear on general election ballot

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### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

State of Hawaii (See Statement of Case)

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- B. What date and approximate time did the events giving rise to your claim(s) occur?

OCTOBER 2020

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- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

Excluded from listing on General Election Ballot (See Statement of Case)

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#### **IV. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

See Statement of Case

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#### **V. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

See Statement of Claim

Immediate recognition and placement on General Election Ballot as candidate for 1<sup>st</sup> Congressional District

Compensatory and Punitive damages.

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**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

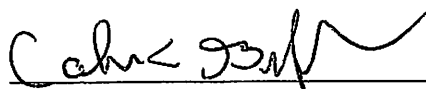
**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 21 OCT 2020

Signature of Plaintiff

Printed Name of Plaintiff



Calvin Christopher Griffin

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address